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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,142	12/29/2000	Stephane Bouet	017.39113X00	6770

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EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,142

Applicant(s)

BOUET, STEPHANE

Examiner

Tam (Jenny) Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4, 5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-37 are presented for examination.

Priority

2. No priority claims have been made.
3. The effective filing date for the subject matter defined in the pending claims in this application is 12/29/2000 (29 December 2000).

Information Disclosure Statement

4. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 4 and 5, is attached to the instant Office action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reisman (U.S. Patent Number 6,594,692) in view of Fujimoto (U.S. Patent Number 6,018,720).
7. Reisman disclosed a media content delivery system comprising: a database for storing a plurality of media files; a user input device for selecting media files in said database to be outputted; an output device for outputting of selected media files; an external data interface for receiving media file (Abstract, Figures 1, 7, 12, column 10 lines 52-67).
8. Reisman did not expressly teach an integrated circuit card interface adapted to hold an integrated circuit card having encoded thereon criteria for accepting media files for storage in

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said database; and a controller responsive to selection by said user input device of one of the media files stored in said database, to apply the selected media file to said output device for outputting, and responsive to receipt by said external data interface of media files, to store in said media database only media files received, by said external data interface which meet criteria on an integrated circuit card held in said integrated circuit card interface.

9. Reisman suggested exploration of art and/or provided a reason to modify the delivery system with the integrated circuit (IC) card feature (column 10 lines 52-67, column 29 lines 52-67).

10. Fujimoto disclosed an integrated circuit card interface adapted to hold an integrated circuit card having encoded thereon criteria for accepting media files for storage in said database; and a controller responsive to selection by said user input device of one of the media files stored in said database, to apply the selected media file to said output device for outputting, and responsive to receipt by said external data interface of media files, to store in said media database only media files received, by said external data interface which meet criteria on an integrated circuit card held in said integrated circuit card interface (Abstract, Figures 1-2, column 2 lines 46-65, column 8 lines 30-48, column 13 lines 19-47, column 15 lines 51-67).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the delivery system of Reisman with the teachings of Fujimoto to include the IC card feature in order to offer user greater flexibility because IC cards would have the function of checking authenticity and of storing data (Fujimoto, column 1 lines 34-42) since online services are oriented to extended online sessions which require complex user interaction (Reisman, column 2 lines 24-30).

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12. Regarding claim 2, Fujimoto disclosed a media content delivery system wherein said user input device comprises a keyboard (Figure 1 sign 4).

13. Regarding claim 3, Reisman disclosed a media content delivery system wherein said user input device comprises a mouse (column 22 lines 43-51).

14. Regarding claim 4, Reisman disclosed a media content delivery system wherein said user input device comprises an electronic interface (Figure 12).

15. Regarding claim 5, Reisman disclosed a media content delivery system wherein said output device comprises a video output device (Figure 12, column 57 lines 47-65).

16. Regarding claim 6, Reisman disclosed a media content delivery system wherein said output device comprises an audio output device (Figure 12, column 57 lines 47-65).

17. Regarding claim 7, Reisman disclosed a media content delivery system wherein said output device comprises an electronic interface (Figure 12, column 57 lines 47-65).

18. Regarding claim 8, Reisman disclosed a media content delivery system wherein said external data interface comprises a wire connection (Figure 12, column 30 lines 1-4).

19. Regarding claim 9, Reisman disclosed a media content delivery system further comprising a server connected to said wire connection (Figure 12, column 30 lines 1-4).

20. Regarding claim 10, Reisman disclosed a media content delivery system further comprising a computer connected to said server (Figure 12).

21. Regarding claim 11, Reisman disclosed a media content delivery system wherein said external data interface comprises a wireless connection (column 5 lines 39-47, column 30 lines 1-4).

22. Regarding claim 12, Reisman disclosed a media content delivery system further comprising a server connected to said wireless connection (column 5 lines 39-47, column 30 lines 1-4).
23. Regarding claim 13, Reisman disclosed a media content delivery system further comprising a computer connected to said server (Figure 12, column 5 lines 39-47).
24. Regarding claim 14, Reisman disclosed a media content delivery system wherein said external data interface comprises a compact disc raid only memory drive (Figure 12, column 57 lines 47-65).
25. Regarding claim 15, Reisman disclosed a media content delivery system wherein said external data interface comprises a digital video disc drive (Figure 12, column 57 lines 47-65).
26. Regarding claim 16, Reisman disclosed a media content delivery system wherein said external data interface comprises a computer disk drive (Figure 12, column 57 lines 47-65).
27. Regarding claim 17, Reisman and Fujimoto combined disclose a media content delivery system as claimed in claim 1, wherein said integrated circuit card interface is adapted to hold an integrated circuit card having encoded thereon criteria identifying an e-mail address, and said external data interface is adapted to receive email for the identified e-mail address (Reisman, column 55 lines 53-53; Fujimoto, column 2 lines 46-65).
28. Regarding claim 18, Fujimoto disclosed a media content delivery system further comprising an integrated circuit card having encoded thereon criteria for accepting media files for storage in said database (Abstract, Figures 1-2, column 2 lines 43-65).
29. Regarding claim 19, Reisman disclosed a media content delivery system wherein the criteria are encrypted (column 8 lines 24-38).

30. Regarding claim 20, Reisman and Fujimoto combined disclose a media content delivery system wherein the criteria include an e-mail address (Reisman, column 55 lines 53-53; Fujimoto, column 2 lines 46-65).

31. Regarding claim 21, Reisman and Fujimoto combined disclose a media content delivery system further comprising a kiosk housing, said database, said user input device, said output device, said integrated circuit card interface, said external data interface, and said controller (Reisman, Figure 12, column 30 lines 1-4; Fujimoto, Figures 1-2, column 14 lines 41-52).

32. Regarding claim 22, Reisman and Fujimoto combined disclose a process of updating file in a database of a media content delivery system, said process comprising the steps of: receiving at the media content delivery system an integrated circuit card having encoded thereon criteria for selecting media files; receiving at the media content delivery system at least one media file; and storing in the database of the media content delivery system only media files received at the media content delivery system which meet the criteria on the integrated circuit card (Reisman, Figure 12, column 10 lines 52-67; Fujimoto, Abstract, Figures 1-2, column 2 lines 46-65, column 5 lines 47-61, column 9 lines 20-39).

33. Regarding claim 23, Fujimoto disclosed a process wherein step (b) comprises connecting the media content delivery system to an external data source, and receiving the at least one media file from the external data source (Abstract, Figure 1, column 2 lines 46-65).

34. Regarding claim 24, Reisman disclosed a process wherein step (b) comprises connecting the media content delivery system to the external data source by a wire connection (Figure 12, column 30 lines 1-4).

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35. Regarding claim 25, Reisman disclosed a process as claimed in claim 23, wherein step (b) comprises connecting the media content delivery system to the external data source by a wireless connection (Figure 12, column 30 lines 1-4).

36. Regarding claim 26, Reisman disclosed a process wherein step (b) comprises connecting the media content delivery system to a server (Figure 12).

37. Regarding claim 27, Reisman disclosed a process wherein step (b) comprises connecting the media content delivery system to a computer (Figure 12).

38. Regarding claims 28-34, Reisman and Fujimoto combined disclose a process wherein step (b) comprises receiving an audio file, a video file, a video game, a movie, a text file, a newspaper, e-mail file (Reisman, column 20 lines 31-42, column 22 lines 18-31, column 55 lines 53-58; Fujimoto, column 9 lines 29-38).

39. Regarding claim 35, Reisman disclosed a process wherein the media content delivery system includes a compact disc read only memory drive, and step (b) comprises inserting a compact disc read only memory into the compact disc read only memory drive, and receiving the at least one media file from the compact disc read only memory (column 1 lines 34-45, column 41 lines 3-14, column 42 lines 8-17).

40. Regarding claim 36, Reisman disclosed a process wherein the media content delivery system includes a digital video disc drive, and step (b) comprises inserting a digital video disc into the digital video disc drive, and receiving the at least one media file from the digital video disc (column 41 lines 3-14, column 42 lines 8-17).

41. Regarding claim 37, Reisman disclosed a process wherein the media content delivery system includes a computer disk drive, and step (b) comprises inserting a computer disk into the

computer disk drive, and receiving the at least one media file from the computer disk (Figure 12, column 41 lines 3-14, column 42 lines 8-17).

42. Since all the limitations of the claimed invention were disclosed by the combination of Reisman and Fujimoto, claims 1-37 are rejected.

Conclusion

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Iida (U.S. Patent Number 5,900,608) disclosed a system for purchasing a personal recording media includes a first entering unit for entering an identification information in order to identify a customer, a unit connected to the first entering unit for identifying whether or not the customer is an authorized customer based on the entered identification information, a second entering unit connected to the identifying unit for entering at least one designated information by the customer when the customer is identified as an authorized customer in accordance with the identifying unit, a unit for storing a plurality of information, a unit connected to the second entering unit and the information storing unit for reading information associated with the designated information by retrieving the plurality of information in the information storing unit based on the designated information entered by the second entering unit, and a unit connected to the information reading unit for recording the information read from the information storing unit into a predetermined recording media.
- b. Wiser et al. (U.S. Patent Number 6,385,596) disclosed a computer implemented online music distribution system provides for the secure delivery of audio data and

related media, including text and images, over a public communications network. The online music distribution system provides security through multiple layers of encryption, and the cryptographic binding of purchased audio data to each specific purchaser. The online music distribution system also provides for previewing of audio data prior to purchase. In one embodiment, the online music distribution system is a client-server system including a content manager, a delivery server, and an HTTP server, communicating with a client system including a Web browser and a media player. The content manager provides for management of media and audio content, and processing of purchase requests. The delivery server provides delivery of the purchased media data. The Web browser and HTTP server provide a communications interface over the public network between the content manager and media players. The media player provides for encryption of user personal information, and for decryption and playback of purchased media data.

c. Everett et al. (U.S. Patent Number 6,575,372) disclosed a multi-application IC card system having selective application loading and deleting capability. Prior to loading an application onto an IC card a test is conducted to determine if the card is qualified to receive the application using personalization data stored on the card and comparing it with permissions data associated with the application indicating one or more sets of cards upon which the application may be loaded. If the personalization data of the card falls within the allowable set of permissions for that application then the card may be loaded with the application. Preferably, the personalization data includes data representative of the card number, issuer, a product class and the date on which the card is personalized.

44. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tp
June 1, 2004

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